

THE HONORABLE BARBARA J. ROTHSTEIN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

DEVON AVERY, BLONDEL GARNER, BRIAN
HAYES, DANIEL MOON, and TIMOTHY
RYAN, on behalf of themselves and a class of
similarly situated persons,

Plaintiffs,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01189-BJR

**STIPULATION AND ORDER TO
EXTEND TIME TO ANSWER
COMPLAINT**

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COMPLAINT**
(No. 2:21-cv-01189-BJR) - 1

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Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiffs Devon Avery, Blondel Garner, Brian Hayes, Daniel Moon, and Timothy Ryan, and Defendant T-Mobile USA, Inc., (“the Parties”), stipulate that T-Mobile’s deadline to answer or otherwise respond to the Complaint in the above-captioned action is extended for a total of 50 days, through November 17, 2021.

Good cause exists for this extension, as there is a pending motion before the Judicial Panel on Multidistrict Litigation (“JPML”) regarding transfer and coordination or consolidation of related cases for pretrial proceedings under 28 U.S.C. § 1407, filed on August 23, 2021. *See In re T-Mobile Customer Data Security Breach Litigation.*, MDL Docket No. 3019 (ECF No. 1). The plaintiffs in another case, *Daruwalla v. T-Mobile USA, Inc.*, No. 2:21-cv-1118 (W.D. Wash. filed Aug. 19, 2021), filed the transfer motion and identified this case, and numerous others, as related cases that should be transferred. *Id.* (ECF Nos. 1, 8-1, 11, 20). The additional 30 days will conserve judicial resources by allowing T-Mobile to assess the pending JPML motion and continue discussions with Plaintiffs’ counsel here and counsel in the related cases before responding to Plaintiffs’ Complaint.

Dated: September 23, 2021

By: /s/ Steve Y. Koh

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ORDER

The Court has reviewed the parties' stipulation to extend Defendant's time to answer or otherwise respond to Plaintiffs' complaint. The Court notes that the stipulation initially requests an extension of 50 days, but subsequently refers to an "additional 30 days." However, the Court presumes that the parties seek an extension of 50 days.

Therefore, the Court ORDERS that Defendant shall have until November 17, 2021 to answer or otherwise respond to Plaintiffs' complaint.

Dated this 24th day of September 2021.

s/Barbara J. Rothstein
Barbara J. Rothstein
U.S. District Court Judge

Presented by:

/s/ Steve Y. Koh

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